## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

REALTIME DATA, LLC d/b/a IXO,	)
Plaintiff,	) Case No. 1:11-cv-6696-KBF ) 1:11-cv-6701-KBF
VS.	) 1:11-cv-6704-KBF
MORGAN STANLEY, ET AL.,	) JURY TRIAL DEMANDED ) ECF Case
Defendants.	) )

## NOTICE OF JOINDER TO EXCHANGE DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY UNDER 35 U.S.C. § 101 (DOCKET NO. 647 IN CASE NO. 1:11-CV-6697)

Defendants The Goldman Sachs Group, Inc., Goldman, Sachs & Co., Goldman Sachs Execution & Clearing, L.P., J.P. Morgan Chase & Co., J.P. Morgan Securities, Inc., J.P. Morgan Clearing Corp., Morgan Stanley, Morgan Stanley & Co, Incorporated, Credit Suisse Holdings (USA), Inc., Credit Suisse Securities (USA) LLC, (collectively, "Bank Defendants") respectfully join the Motion for Partial Summary Judgment of Invalidity Under 35 U.S.C. § 101 filed by the Exchange Defendants in *Realtime Data, LLC v. CME Group, Inc., et al.*, Consolidated Case Nos. 1:11-cv-6697 (Dkt. No. 647), 1:11-cv-6699, and 1:11-cv-6702. For the reasons presented in the Exchange Defendants' Memorandum of Law in Support of the Motion for Partial Summary Judgment of Invalidity Under 35 U.S.C. § 101, which are incorporated by reference herein, the Bank Defendants respectfully request the same relief sought in the Exchange Defendants' Motion.

Dated: June 25, 2012 Respectfully submitted,

/s/ Daniel A. DeVito

Daniel A. DeVito

Douglas R. Nemec

Stacey L. Cohen

SKADDEN ARPS SLATE MEAGHER & FLOM LLP

Four Times Square

New York, NY 10036

Phone: (212) 735-3000 Fax: (917) 777-3210

Daniel.DeVito@skadden.com

Douglas. Nemec@skadden.com

Stacey.Cohen@skadden.com

Gareth DeWalt

Michael D. Saunders

SKADDEN ARPS SLATE MEAGHER & FLOM LLP

525 University Avenue, Suite 1100

Palo Alto, CA 94301

Phone: (650) 470-4500

Fax: (650) 470-4570

Gareth.Dewalt@skadden.com

Michael.Saunders@skadden.com

Attorneys for Defendants Morgan Stanley, Morgan Stanley & Co. Incorporated, J.P. Morgan Chase & Co., J.P. Morgan Securities, Inc., J.P. Morgan Clearing Corp., The Goldman Sachs Group, Inc., Goldman, Sachs & Co., and Goldman Sachs Execution & Clearing, L.P.

By: Gregory H. Lantier (with fermission)

Gregory H. Lantier

WILMER CUTLER PICKERING HALE AND DORR LLP

1875 Pennsylvania Ave., N.W.

Washington, DC 20006

Phone: (202) 663-6327

Fax: (202) 663-6363

Gregory.Lantier@wilmerhale.com

William F. Lee

Mark G. Matuschak

WILMER CUTLER PICKERING HALE AND DORR LLP

60 State Street

Boston, MA 02109

## Case 1:11-cv-06704-KBF Document 100 Filed 06/25/12 Page 3 of 4

Phone: (617) 526-5000 Fax: (617) 526-6000

William.Lee@wilmerhale.com mark.matuschak@wilmerhale.com

Attorneys for Credit Suisse Holdings (USA), Inc. and Credit Suisse Securities (USA), LLC

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule 5.2 via the Court's CM/ECF system on June 25, 2012, and, as such, was served on all counsel of record.

/s/ Daniel A. DeVito
Daniel A. DeVito